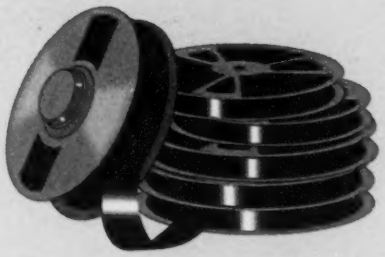
Ontario

Ontario Film Review Board

Annual Report

2009/2010



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Ontario Film Review Board

June 21, 2010

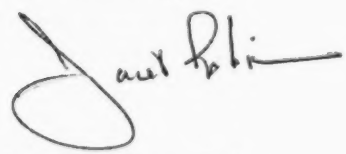
The Honourable Sophia Aggelonitis
Minister of Consumer Services
6th Floor, Mowat Block
900 Bay Street
Toronto. Ontario
M7A 1L2

Dear Minister Aggelonitis:

I am pleased to present the Annual Report of the Ontario Film Review Board for the fiscal year ending March 31, 2010.

The report outlines the duties and responsibilities of the Ontario Film Review Board under the mandate of the *Film Classification Act, 2005* and the operating results for the fiscal year.

Yours sincerely,



Janet Robinson, Chair

Ontario Film Review Board

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Table of Contents

Report from the Chair 3

The Board and its Operations

Our Mission 6
Who We Are 6
Types of Panels 6
How We Classify 7
Why We Classify 8
Our Community 8
Refusal to Approve 9

Financial and Operational Information 10

The Chair and Board Members 12

Report from the Chair

The fiscal year 2009-2010 was an exciting year for the Ontario Film Review Board (OFRB) anticipating our move to our new facilities. Our daily activities have remained within expectations and we continued to meet our expected turn around times.

Daily Activities

We moved to our new facilities at 4950 Yonge Street on January 25, 2010. We now have four screening rooms with 58" flat screen TVs plus one with a computer hook up that allows us to screen films via the Internet; the 35mm theatre has 27 seats. The panel in 35mm screens films from a 5 person work station; we also have the capability to view DVDs and trailers via the Internet on the large 35mm screen.

In 2009-2010 the OFRB classified 4,577 films, screening a total of 397,198 minutes of film. In addition, we classified another 1,681 films by documentation.

As of March 31, 2010, the OFRB consisted of 19 members representing a cross section of Ontario's diverse population. We must continue to maintain a balance of male and female members, and ensure our members provide representation from the entire province.

At the Chair's discretion, three-member panels for 35mm continue. Senior members work as single-person panels for adult film approval. Two-member panels screen mainstream DVDs and videos. There were 526 screening panels of which 288 were one-person panels. All members continue to be trained in the classification guidelines and administrative work that is required in completing summary reports.

The OFRB continued to update its formal *Member Reference Manual*, a document designed to be easily amended to reflect new policies and procedures. Adult films volumes remain stable, with similar non-approval decisions.

Public Information Screenings continue to be very popular with the community and university film schools. We had 21 public screenings with approximately 365 participants. Due to our relocation, screenings were not booked in January.

Our outreach program included a seminar with Carleton University Film Studies with 40 participants.

We have continued the public information screening survey process to measure the effectiveness of this program. Please see page 11 for the results.

Our public service announcement films which were produced by students from Ontario film schools continue to run at Cineplex and Empire theatres throughout Ontario, showing in the lobby in 60 theatres and digital pre-shows in 55 theatres on 587 screens. The PSA's purpose was to educate the public about the film classification system and it also showcased our up and coming film makers and their innovative ways of explaining our film classification system. I hope to reintroduce the program in the coming year as it is a valuable tool for informing the public about choices.

ShowCanada is an annual industry show organized by the Canadian Motion Picture Distributor Association. The Interprovincial Film Classification Council of Canada (IFCCC), of which the OFRB is a member, holds its annual meeting at ShowCanada. The provincial classification boards take this opportunity to meet and discuss common concerns and initiatives. The 2009 meeting, which I attended, was held April 28 thru May 1 in Montreal, Quebec.

We held a full board meeting on October 23, 2009 with several guest speakers including Mr. Chris Ferguson, Director, Consumer Protection Branch. Ms Adina Lebo, Executive Director of the Motion Picture Theatre Association (MPTA), along with representatives from Cineplex theatres, spoke at length against a proposed regulation change restricting children under 14 from attending an 18A film. The Board had previously voted to have Chair present the proposed change to the Minister, which has yet to occur. Ms. Carrie Burd, Accessibility Coordinator, Service Management & Facilities Branch, did a presentation on accessibility in the workplace.

Objectives of the Chair

My major objective as Chair of the OFRB is to provide information to the consumers of Ontario. It is important that we supply individuals with sufficient information to make informed entertainment choices for themselves and, more importantly, for their children.

Several revisions have been made to the OFRB website to ensure it continues to be current. It not only provides film classifications and content advisories, but also all detailed elements observed by the panel during the classification process. While the website can also be accessed through Internet browsers on handheld devices such as cell phones and PDA, we have started exploring ways to make it more usable on such devices.

The OFRB's brochure, "It's Your Choice" explaining film and video games classifications continues to be mailed to interested groups such as libraries and schools. The initial distribution went out to Service Ontario sites and Ontario's Early Years Centres as a joint venture with the Ministry of Children and Youth Services. The brochure, which is also available on the OFRB's website, is aimed at helping parents increase understanding of the film and video game classification system and where to find information on films and video games to help make informed viewing decisions.

Looking to the future, we will continue to further our excellent working relationship with the film industry and the other provincial boards, strive to improve our web site, go forward with new ideas and initiatives to educate and serve our clients, the residents of Ontario. I hope, as stated earlier, to re-introduce the PSA program for university students.

I am looking forward to the future with a commitment to undertake new challenges, promote education, and inspire innovation.

The Board and its Operations

Our Mission

The OFRB receives its mandate from the Ontario government through the *Film Classification Act, 2005 (FCA)* and operates as an arm's-length agency reporting to the Ministry of Consumer Services.

Subject to a few specific exceptions, if a film (feature/trailer), including videos and DVDs, is to be distributed or exhibited in Ontario, it must first be classified by the OFRB.

Under the authority of the *FCA*, the OFRB reviews and classifies mainstream film and reviews and approves adult sex films for public exhibition and distribution. Ontario's film classifications, *General*, *Parental Guidance*, *14A*, *18A* and *Restricted*, are set out in Regulation 452/05 under the *FCA*.

Who We Are

The OFRB is a community board, and its members represent a cross-section of the many diverse communities across Ontario. The OFRB's members vary in age, gender, vocation, cultural background and sexual orientation.

On the recommendation of the Minister of Consumer Services and the Provincial Cabinet, members are appointed for an initial two-year term by the Lieutenant Governor through orders-in-council. Members may be re-appointed for a further 3-year term followed by a 5-year term for a maximum of 10 years on the board.

Members work a seven-hour day, usually four to five times per month, and are paid on a per diem basis.

Types of Panels

There are three types of screening panels, with a senior member providing oversight to each. Each type of panel serves a different purpose as follows:

Normal: This panel consists of one to three members. Although the members endeavour to agree on the classification, occasionally one may disagree with

the classification, and that member may request a cumulative panel.

Cumulative: Two to four other board members screen the film. The results of both the Normal and Cumulative Panels are tallied, and the majority rules. Since a member initiates this process, there is no cost to the submittor. This type of panel is considered part of our in-house quality assurance program.

Appeal: This panel is requested and paid for by a submittor who is dissatisfied with the OFRB's initial decision. It consists of three to five members who have not seen the film in question. This panel's decision as to classification or approval is final subject to the right of the Director to require reconsideration.

By the time a controversial film has gone through three panels, as many as 12 different board members have viewed the film.

Reconsideration:

The Director under the *Film Classification Act, 2005* may submit a film including a video game to the Board, or require a person who distributes, offers to distribute, exhibits or offers to exhibit a film or video game to submit it to the Board for the purpose of reconsidering the classification or approval decision, or to determine if a film is exempt. In such cases there is no additional cost to the submittor and the panel consists of a minimum of three members who have not seen the film in question. This panel's decision is final.

How We Classify

The OFRB members take into account the general character and integrity of each film in its entirety and use the *FCA* and sets of guidelines to determine the film's classification. These guidelines, which are continually reviewed and updated, allow the board to be objective yet flexible. In this way, the board is not only able to maintain the integrity of community standards, but also to appreciate and accommodate the film's artistic merit, or social and documentary significance.

While viewing the film, each panel member makes notes on the elements that contribute to the classification. These elements include coarse language, nudity, violence, sexual activity, horror and psychological impact. Following the screening, panel members use these notes in their discussion to determine their ultimate decision as to the classification of the film.

Each element is weighed on the basis of content and treatment and the cumulative effect of those factors on the audience. Members consider style, tone, duration, frequency and the amount of visual and/or verbal detail. How the elements relate to the narrative also contributes to the panel's decision.

Besides the classification, the OFRB may choose to include content advisories, such as *Nudity*, *Coarse Language* or *Brutal Violence*. These warnings, along with the classification, must appear on all exhibition-related advertising to help the viewer make informed choices.

Why We Classify

A film classification board helps consumers make informed choices about the films they see. Throughout the developed world, movie viewers have asked for industry-independent information about age-suitability (the classification) and content (advisories such as *Coarse Language, Violence, Nudity*, etc.) of films. This information assists them in deciding whether a particular movie is appropriate for their children, or for themselves.

Most developed countries, including the United States, Great Britain, Australia, New Zealand, South Africa, France, Germany, Spain, Portugal, Greece, Norway, Denmark and Sweden have film classification boards.

The OFRB's focus is classification. The board is a valued source of information about movies and videos that help viewers make the right entertainment decisions for themselves and for their children.

Our Community

Community standards are at the forefront whenever the OFRB revises its guidelines. The board uses many avenues to gauge the needs of the community it serves.

The OFRB is structured specifically to address community standards issues. OFRB members are people from all over the province of Ontario, who screen films on a part-time basis.

Members represent the diverse population of Ontario - varying ages, with diverse work histories, ethnic backgrounds and sexual orientations. We strive to have an equal male-female split.

The full board usually meets at least twice a year to discuss any changes in policy, procedure or guidelines. All changes are discussed, debated and voted on by the full board before any changes are made.

The board tests its perception of community standards in twice-monthly screenings where public groups view a movie with the official panel and compare their opinions about how the movie should be classified against the official panel's decision.

The board also hears directly from the media, from public interest groups and from members of the general public via letter, telephone, fax, e-mail and its website.

The board's responsibility is to understand and reflect the community standards of Ontario.

Refusal to Approve

The OFRB's authority to refuse approval of a film is limited to film that has as its main object, the depiction of explicit sexual activity. The OFRB's authority to refuse approval is based on the standards of criminal obscenity. The board regularly reviews its Adult Sex Guidelines to ensure as much consistency as possible within its mandate as a provincial regulator with the rules governing the Canadian Border Services and the Criminal Code of Canada. The OFRB plays no role in determining obscenity or child pornography. This is a function of the police and is a federal responsibility.

Ontario

Financial & Operational Information 2009-2010

Financial Information - 2009/2010

Revenue:	Film and Video Classification Fees *	**$ 2,547,092**
	Total Revenue	**$ 2,547,092**
Expenditures:	Per Diems	**$ 485,637**
	Direct Operating Expenses	**$ 63,466**
	Administrative & Overhead Expenses	**$ 556,904**
	Total Expenditures **	**$ 1,106,007**

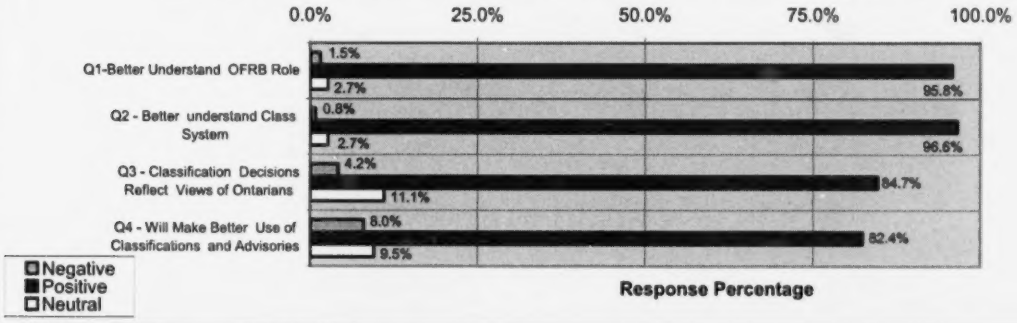
* For classification of films including videos and DVDs distributors pay $4.20 per minute, Mainstream films in languages other than English and French pay a flat fee of $78.75 per film, and there is no fee for mainstream films wholly produced in Canada. There are also fees for classifying trailers, and for some films classified by documentation.

** Note: This excludes indirect costs related to activities such as inspection, enforcement, legal, policy, etc.

Classification Breakdown
Mainstream Films Screened (all languages)

	2009/2010	*2008/2009*	*2007/2008*	*2006/2007*	*2005/2006*
General	14%	13%	19%	18%	25%
Parental Guidance	32%	29%	28%	29%	35%
14A	41%	40%	36%	40%	30%
18A	11%	12%	10%	8%	7%
Restricted	2%	6%	7%	5%	3%

Public Information Screening - Survey Results - 2009-2010



Financial and Operational Information

	2009/2010	2008/2009
Financial Information		
• Revenue*	$2,547,092	$2,985,796
• Expenditures**	$1,106,007	$1,033,269
Operational Information		
Films Screened		
• Mainstream (English and French)	1,170	1,365
• Mainstream (other languages)	168	186
• Adult Sex Films	2,810	2,786
• Mainstream Trailers	429	449
Total Films Screened	**4,577**	**4,786**
Minutes Screened		
• Mainstream (English and French)	120,547	135,217
• Mainstream (other languages)	19,910	22,338
• Adult Sex Films	255,859	281,451
• Mainstream Trailers	882	988
Total Films Screened	**397,198**	**439,994**
Classified without screening		
• Mainstream Films (Classified by documentation)	1,681	2,087
Appeals/ Non-Approval/ Reconsideration Decisions		
• Appeals – decision changed	14	12
• Appeals – decision upheld	12	14
• Non-Approval decisions	10	9
• Reconsideration – decision changed	1	1
• Reconsideration – decision upheld	1	1
Screening Panels		
• Number of Panels	526	506
• Average Panel Minutes	755	870
Turnaround time		
• 35mm film (standard <=1-2 days)	1.4	1.5
• Video/ DVD (Mainstream) (standard <=10 days)	7.9	5.9
• Video/ DVD (Adult) (standard <=10 days)	8.7	8.6
Public Screenings		
• Number of screenings	21	20
• Number of participants	365	337

* For classification of films including videos and DVDs distributors pay $4.20 per minute. Mainstream films in languages other than English and French pay a flat fee of $78.75 per film, and there is no fee for mainstream films wholly produced in Canada. There are also fees for classifying trailers, and for some films classified by documentation.

** This excludes indirect costs related to activities such as inspection, enforcement, legal, policy, etc.

Ontario

Chair

Janet Robinson

Janet Robinson is a Registered Nurse, who worked for 24 years in a demanding obstetrical/gynaecological practice. She established a consulting company that provided home visits to new parents.

Janet worked several years as a part-time contract Occupational Health Nurse with the Toronto Star, Ontario Power Generation and the Royal York Hotel.

Janet is also active in her community where she lives with her husband. They have two grown children and three grandchildren. When her schedule permits, she loves to pursue her passion for reading and golf with friends and family.

Acting Chair

Shauna Stein

Shauna Stein was appointed to act as Chair of the Ontario Film Review Board when the Chair is absent or unable to act.

Shauna was appointed as a Community member of the CPP/OAP Review Tribunal in March 2007 for a three-year term. She has taught for over ten years in both the public and private school systems. She is a certified yoga instructor, and has taught yoga to women with Multiple Sclerosis on a volunteer basis, through Toronto Parks and Recreation.

Shauna holds a Bachelor of Arts in sociology and an honours degree in sociology from York University as well as a Bachelor of Education/OTC from the University of Toronto.

Members of the Ontario Film Review Board

Member	Municipality	First Appointed (current position)	Current Term Expires
Aris Babikian	Toronto	December 7, 2005	December 6, 2009
Poonamdeep Bhinder	Brampton	July 15, 2009	July 14, 2011
Susan Kaminesky Blair	Toronto	August 21, 2008	August 20, 2010
Tina Bragagnolo	Toronto	May 28, 2003	May 27, 2011
Pat Brown	Brantford	July 15, 2005	July 14, 2013
Tony Cosentino	London	July 5, 2004	July 4, 2010
Donald Duprey	Toronto	November 14, 2006	November 13, 2011
Lorraine Dupuis	Sudbury	April 11, 2006	April 10, 2014
Cathy Ferlisi	Concord	October 25, 2006	October 24, 2011
Joanne Jackson	Ajax	Aug 21, 2008	Aug 20, 2010
Jean-Paul Jean – Bapiste	Toronto	November 2, 2009	November 1, 2011
Adam Garnet Jones	Toronto	October 22, 2009	October 21,2011
Kristina Laukkanen	Toronto	October 25, 2006	October 24, 2011
John Mastroianni	Welland	July 15 , 2009	July 14, 2011
Claudia Monte	Windsor	October 25, 2006	October 24, 2009
Aggrey Msosa	Ottawa	May 17, 2006	May 16, 2009
Sue Rainville	Toronto	June 1, 2006	May 31, 2013
Janet Robinson	Toronto	October 15, 2004	July 14, 2013
Annemarie Shrouder	Toronto	September 24, 2008	September 23, 2010

Member	Municipality	First Appointed (current position)	Current Term Expires
Shauna Stein	Toronto	November 22, 2000	November 21, 2011
Trudie Villeneuve	Toronto	January 5, 2006	January 4, 2014
Peter Watts	Burlington	August 21, 2008	August 20, 2010
John Wilkie	Toronto	April 11, 2006	April 10, 2009